

CHAPTER 1 ADMINISTRATIVE ORGANIZATION AND PROCEDURES

[Prior to 7/1/87, see Blind, Commission for[160] Ch 1; rule 3.6; Ch 9]
[Prior to 9/21/88, see Blind, Division for the[423] Ch 1; Ch 2; Ch 12]

111—1.1(216B) Authority. There is established a department for the blind which shall carry out policies and programs as determined by the commission for the blind.

111—1.2(216B) History and function. To respond to the unique needs of the blind of Iowa, the general assembly established the Iowa commission for the blind on April 1, 1925. Although specific programs for the blind have varied even in recent years, the basic mission to promote positive attitudes toward blindness has remained constant. As a result of state government reorganization in 1986, the commission for the blind became a division of the department of human rights. However, the 72nd General Assembly restored the commission's separate status by establishing a department for the blind.

111—1.3(216B) Location and information. The central office of the department is located at 524 Fourth Street, Des Moines, Iowa 50309-2364, telephone (515)281-1333 (incoming WATS number (800)362-2587). District offices are located at Higley Building, 118 3rd Ave. SE, Suite 407, Cedar Rapids, Iowa 52401-1438, telephone (319)365-9111; First National Building, 607 Sycamore St., Suite 400, Waterloo, Iowa 50703-4725, telephone (319)235-1403. Information concerning department services may be obtained by contacting any of these offices.

111—1.4(216B) Definitions. The following definitions apply to the rules of the department for the blind:

"Blind" or *"Blindness,"* except as applicable to the business enterprises program, refers to the condition of an individual who meets one or more of the following criteria: (1) vision not more than 20/200 central visual acuity in the better eye, with ordinary corrective lenses, or a field defect in which the peripheral field has contracted to an extent that the widest diameter of visual field subtends to an angular distance of not greater than 20 degrees; (2) a combination of loss of visual acuity and loss of visual field which imposes an employment handicap which is substantially that of a blind person; (3) medical prognosis indicating a progressive loss of sight which will terminate in the condition described in criteria one; (4) a visual impairment sufficient to warrant attendance at the Iowa braille and sight saving school or programs for the severely visually impaired in the public schools; or (5) a visual impairment which by agreement of the division of vocational rehabilitation services of the Iowa department of education and the department is such that the individual can be best served by the department.

"Commission" means the three-member statutory commission for the blind.

"Department" means the department for the blind. The department is the state licensing agency for vending facilities under the Randolph-Sheppard Act.

"Director" means the director of the department for the blind.

"Division" means one of the four principal subunits of the department for the blind.

"Program administrator" means the chief of each of the four divisions of the department for the blind.

“Extreme medical risk” means a risk of substantially increasing functional impairment or risk of death if medical services are not expeditiously provided.

“Staff” means individuals employed by the department for the blind.

“State” means the state of Iowa.

111—1.5(216B) Commission. The duties and powers of the commission are as delineated in Iowa Code sections 216B.3 and 216D.3.

1.5(1) Meetings. The commission shall hold at least six meetings each year and as many additional meetings as are needed to conduct business expeditiously and efficiently. To the maximum extent practicable, meetings will be held outside normal working hours to encourage attendance.

1.5(2) Chairperson. At the first regularly scheduled meeting of each calendar year, the commission shall elect a chairperson.

1.5(3) Notice. Notice of meetings, including the proposed agenda, will be posted at all offices of the department. Persons wishing to receive notice of meetings may file a request with the office of the director.

111—1.6(216B) Director. As the chief administrative officer for the department, the director shall be responsible for implementation of commission policies and for administration of programs and services in compliance with applicable federal and state laws and regulations.

111—1.7(216B) Divisions. The director has established the following divisions of the department:

1. Adult orientation and adjustment center
2. Business enterprises program
3. Field operations
4. Library for the blind and physically handicapped

111—1.8(216B) Private association activity of staff. Staff shall not, on a significant regular basis, perform work for private associations or organizations (including organizations of or for the blind) during working hours or with use of department facilities unless arrangements have been formalized through a 28E agreement approved by the commission. Significant organizational activities prohibited in the absence of a formal 28E agreement include, but are not limited to: electioneering for organizational office, processing memberships, collecting dues, arranging for meetings and conventions, fund-raising, canvassing, leafleting, picketing, preparing organizational mailings, and other activities of a purely organizational nature which are unrelated to official staff duties.

However, the department encourages staff to maintain frequent contact with blind individuals and organizations of the blind as well as civic, social, fraternal, and professional groups interested in working with blind individuals.

This rule is not intended to discourage telephone conversations and correspondence with individuals or attendance (with supervisory approval) at meetings of blind or related associations or organizations.

111—1.9(216B) Authorization for use of facilities. Department facilities are available for the use of groups of blind individuals or other groups interested in working with blind individuals when the activity does not interfere with the conduct of department business. Authorization for the use of facilities must be obtained from the director.

111—1.10(216B) Joint activities. When use of the department facility or the activity of staff is expected to be continual or significant, the department may enter into an agreement with any appropriate public or private entity pursuant to Iowa Code chapter 28E. The agreement must specify the purpose of the arrangement; the specific use of the facility or the specific activity of staff which is involved, as appropriate; remuneration (if appropriate); and any other necessary arrangements.

111—1.11(216B) Administration of the expendable trust fund. Pursuant to Iowa Code section 216B.3(8), there is established an expendable trust fund maintained by the department of revenue and finance and administered by the department for the blind.

1.11(1) Gifts and bequests fund. The gifts and bequests fund is established to provide direct financial assistance in the form of grants or loans to blind Iowans which will materially assist in independent living or vocational success or to provide department services or support services for which other funds are not available. Grants or loans may not be given for the purpose of income maintenance or continuing support.

a. Use for department operations. Use of gifts and bequests for department operations must be approved by the commission.

b. Eligibility. Recipients of grants or loans must be blind individuals, as defined in rule 1.4 (216B), who are residents of the state and whom the director or committee has determined to demonstrate a need for assistance.

c. Grants and loans review committee. There is established a grants and loans review committee which may review applications for grants and loans to be made from gifts and bequests, at the request of the director, and make recommendations to the commission for approval of grants and loans. The committee will consist of the assistant director, who will serve as chairperson; the division administrators, as defined in rule 1.4(216B); two additional staff members appointed by the director; and three blind individuals appointed by the commission upon the recommendation of the director. Appointed committee members shall serve two-year terms.

d. Application process. Applications must be submitted to the director for review and, if appropriate, recommendation to the grants and loans review committee. However, when the application is for a grant or loan in the amount of \$2,500 or less, the director may approve the application. Upon recommendation by the director, the grants and loans review committee will review an application. If approved by the grants and loans review committee, the application will be forwarded to the commission for final approval.

1.11(2) Vending facilities fund. The vending facilities fund is established to provide low interest loans to active licensed vendors. The director may approve loans from these moneys for use as start-up capital or for the purchase of inventory. Upon approval, the director will establish a repayment schedule.

1.11(3) Availability of records. Names of applicants or recipients of grants or loans from these funds are confidential records under 111—subrule 13.13(2). Disclosure may be made only for routine use as delineated in rule 111—13.10(17A,22).

1.11(4) *Deposit of funds.* Documentation of funds received will be maintained by the office of the director. Funds will then be forwarded to the assistant director for processing and deposit in the expendable trust fund.

1.11(5) *Record keeping.* Financial records for these funds shall be maintained according to generally accepted accounting practices. The assistant director will submit a report detailing receipts and expenditures of the fund as a part of the financial reports prepared for each commission meeting.

111—1.12(216B) *Purchasing procedures.* Pursuant to federal regulations, the department has established four methods of procurement:

1.12(1) *Procurement by small purchase procedures.* For purchases of services, supplies or other property that do not cost more than \$5,000, price or rate quotations will be obtained from an adequate number of qualified sources.

1.12(2) *Procurement by formal bid.* It is the policy of the department to purchase through the competitive bid process all goods and services costing in excess of \$5,000 in the aggregate.

a. Conditions. The following conditions are necessary for utilization of the formal bid process: (1) a complete specification or purchase description is available; (2) two or more eligible bidders are willing to compete for the bid award; and (3) the procurement lends itself to a firm fixed price contract so the determination of bid award can be made principally on the basis of price.

b. Eligible bidders. The department will make awards only to responsible bidders possessing the ability to perform successfully under the terms of the proposed contract. In making this determination, consideration will be given to: (1) bidder integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

c. Invitation to bid. The department will prepare a written "Invitation to Bid" which will include: (1) the deadline for receipt of bids by the department; (2) the date, time and place for formal bid opening; (3) a complete and specific description of the goods or services required; and (4) the name, address and telephone number of the department contact person who may provide bid information.

d. Award. All bids will be publicly opened at the time and place prescribed in the invitation.

e. Bid advertisement. Advertisement of a formal bid will be required for all nonexpendable items costing in excess of \$15,000 in the aggregate. The advertisement shall consist of a "Notice to Bidders" published in at least one daily paper in the state. The advertisement shall include: (1) the deadline for receipt of bids by the department; (2) the date, time and place of the formal bid opening; (3) a general description of goods or services required; and (4) the name, address and telephone number of the person to be contacted to obtain official bid forms.

1.12(3) *Procurement by competitive proposals.* When conditions are not appropriate for use of the formal bid process, the department may utilize this method. The department will: (a) publicize all requests for proposals; (b) identify all evaluation factors and their relative importance; (c) honor any response to publicized requests for proposals to the maximum extent possible; and (d) make awards to the responsible person whose proposal is most advantageous to the program, with price and other factors considered.

1.12(4) *Sole-source procurement.* This is procurement through solicitation of a proposal from only one source, or when, after solicitation of a number of sources, competition is determined inadequate. Sole-source procurement may be used only when other available procurement procedures are infeasible and one of the following circumstances applies: (a) the goods or services are available only from a single source; (b) the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; (c) the awarding agency authorizes noncompetitive proposals; or (d) after solicitation of a number of sources, competition is determined inadequate.

These rules are intended to implement Iowa Code chapter 216B.

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